

E-filed 9/12/11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UELIAN DE ABADIA-PEIXOTO, et al.,

No. C 11-4001 RS

v. Plaintiffs,

ORDER RE SCHEDULING

**U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,**

Defendants.

19 Prior to the reassignment of this matter, defendants filed a motion seeking to continue
20 plaintiff's motion for class certification, and their obligation to file an opposition thereto, until after
21 they have answered, or until any motion to dismiss has been decided, whichever later occurs. Upon
22 reassignment, the hearing date on the motion for class certification was vacated, and plaintiffs are
23 obligated to re-notice the motion, but the briefing schedule arguably remains unchanged, by virtue
24 of Civil Local Rule 7. Plaintiffs have adequately shown that the particular circumstances of this
25 case warrant hearing the class certification motion as early as practicable, whether or not a motion to
26 dismiss is pending. Accordingly, the parties are hereby ordered to engage in further meet and confer
27 negotiations to attempt to agree on a briefing schedule for both the motion for class certification and
28 for any motion to dismiss, with a joint hearing to be held no later than November 17, 2011. If the

1 parties are unable to reach agreement, plaintiffs may renotice their class certification motion for any
2 available Thursday in November of 2011, and the briefing schedule will be calculated from the date
3 of the re-notice.

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6 Dated: 9/12/11

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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE